



**FOR DESIGN OR UTILITY APPLICATIONS**  
**(DO NOT USE FOR CIPs)**

☐ Continuation )  
☒ Divisional ) application under 37 CFR 1.53(b)(1)  
of pending prior application of

Group Art Unit: 1642

**Inventor(s):** HANNA et al.

Examiner: Gary B. Nickol

Parent Appln. No.:	09/	853,581
	Series Code ↑	Serial No. ↑

Atty. Dkt.	<b>037003-0307368</b>	<b>1997-30-0568D2</b>
	New C-M	Client Ref

Parent Filed: 05/14/2001

This Appln. Filed: **December 24, 2003**

**Title:** SYNERGISTIC COMPOSITION AND METHODS FOR TREATING NEOPLASTIC OR CANCEROUS GROWTHS AND FOR RESTORING OR BOOSTING HEMATOPOIESIS

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Date: **December 24, 2003**  
(Parent Matter No. 037003-0307368)

16834 U.S. PTO  
10/743739  
  
122403

Sir:

To effect the above-requested filing today:

1. **Attached is a copy (which must be filed) of the prior application, including:**

- ☒ Abstract  
☒ Specification and claims (28 pages) (**must be attached**)  
☒ Drawings (**must be attached if originally filed**): 6 sheet(s)/set: ☒ 1 set informal;  
☐ Formal of size ☒ A4 ☐ 11"

1A. Always X one box, only:

- (1) ☒ Copy of Signed declaration or oath as originally filed in prior application attached
- (2) ☐ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐ This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are **not** inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1. \_\_\_\_\_
  3. \_\_\_\_\_
  5. \_\_\_\_\_
  7. \_\_\_\_\_
  2. \_\_\_\_\_
  4. \_\_\_\_\_
  6. \_\_\_\_\_
  8. \_\_\_\_\_

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

- |    |   |    |   |
|----|---|----|---|
| 1. | <u>Nabil Hanna</u>                      | 2. | <u>Gary R. Braslawsky</u>               |
| 3. | <u>Kandasamy Hariharan</u>              | 4. | <u>                                </u> |
| 5. | <u>                                </u> | 6. | <u>                                </u> |
| 7. | <u>                                </u> | 8. | <u>                                </u> |

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in \_\_\_\_\_ of \_\_\_\_\_ (country)
- |     | Application No. | Filing Date | Application No. | Filing Date |
|-----|-----------------|-------------|-----------------|-------------|
| (1) | _____           | _____       | (2)             | _____       |
| (3) | _____           | _____       | (4)             | _____       |
| (5) | _____           | _____       | (6)             | _____       |

a. ☐ \_\_\_\_\_ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on \_\_\_\_\_ in  
U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_  
series code ↑ serial no.

c. ☐ Certified copy/copies filed during International stage of PCT/ \_\_\_\_\_ / \_\_\_\_\_

- 4(a). (a) ☐ Domestic priority is claimed from PCT/ \_\_\_\_\_ / \_\_\_\_\_, filed \_\_\_\_\_.
- (b) ☐ Benefit is claimed of Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_.

5. ☒ Assignee (optional) Biogen Idec Inc.

6. ☐ Attached is the following number of Assignments (including original and all later successive ones by different assignors): \_\_\_\_\_ and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Thomas A. Cawley, Jr., Ph.D., Reg. No. 40,944

(Name and Reg. No.)

whose current address is as in item 8 below.

a. ☐ Recognize as associate attorney \_\_\_\_\_

(Name, Reg. No. and Address)

8. Address communications to the correspondence address  
associated with our Customer No.

00909

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 08/ 933,359 filed September 18, 1997

No. 09/ 853,581 filed May 14, 2001

No. / filed \_\_\_\_\_

No. PCT/ / filed \_\_\_\_\_, which  
designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

9(a). ☐ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** → ☒ is Not claimed ☐ is claimed (**pre-filing confirmation required**)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

- ☐ filed in above prior application  
☐ attached.

11. Petition to extend the life of the above prior application to at least the date hereof

(one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).

(must be) ☐ was previously filed in that prior application (Check length of prior extension).

(X'd) ☒ is not necessary for copendency (**Double check** before X'ing this box).

12. ☐ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .
13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.
14. ☒ **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

**FILING FEE**

THE FOLLOWING FILING FEE IS BASED ON

->->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-<-

**NOTE:** If box 1A2 is X'd, do not pay fees,  
but leave lines 15-22 and 27-32 blank.

				Large/Small Entity		Fee Code
15. Basic Filing Fee . . . . . Design Application				\$340/\$170		1002/2002
16. Basic Filing Fee . . . . . Utility Application				\$770/\$385	+770	1001/2001
17. Total Effective Claims	9	minus 20 =	0	x \$18/\$9	+0	1202/2202
18. Independent Claims	1	minus 3 =	0	x \$86/\$43	+0	1201/2201
19. If <u>any proper</u> multiple dependent claim (ignore improper) is present,				\$290/\$145	+0	1203/2203
20. Subtotal =					<b>\$770</b>	
21. If "petition" box 13 above is X'd, add petition fee. . . . . \$130					+0	1808
21A. If box 6 above is X'd, add Assignment recording fee . . . . . \$ 40					+0	8021
22. TOTAL FILING FEE =					<b>\$770</b>	

(carry forward to Item 31)

23. ☐ ATTACHED:
24. ☒ See the attached Preliminary Amendment
25. ☐ See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26.

**ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee		
					<u>Large/Small Entity</u>	<u>File Code</u>
27.	Total Effective Claims	<u>*9</u>	minus ** <u>20</u> = <u>0</u>	x \$18/\$9 = \$ <u>0</u>		1202/2202
28.	Independent Claims	<u>*1</u>	minus *** <u>0</u> = <u>0</u>	x \$86/\$43 = + <u>0</u>		1201/2201
29.	If amendment enters proper multiple dependent claim(s) into this application for the <u>first time</u> , add (per application) . . . . . \$290/\$145				+ <u>0</u>	1203/2203
30.				ADDITIONAL FEE	\$ <u>0</u>	
31.				plus FEE from item 22 on page 3	+ <u>770</u>	
32.				<b><u>TOTAL FEE</u></b>	\$ <b><u>770</u></b>	

33. \*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34. \*\*If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

36. Address communications to the correspondence address  
associated with our Customer No.

00909

Our Deposit Account No. 03-3975

Our Order No. <u>037003</u>	<u>0307368</u>
C#	M#

PLEASE CHARGE OUR DEP. ACCT.
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**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

**Pillsbury Winthrop LLP  
Intellectual Property Group**

By Atty: Thomas A. Cawley, Jr., Ph.D.Reg. No. 40944Sig: 

Fax: (703) 905-2500

Tel: (703) 905-2144

Atty./Sec TAC/JBM:ntb

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachmentsNOTE No. 2: Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 11 above.If yes, printout Pat-111 and head it in parent.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2004**

(Effective 10/01/2003. Patent fees are subject to annual revision.)

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 770.00**Complete if Known**

Application Number	
Filing Date	December 24, 2003
First Named Inventor	Nabil Hanna
Examiner Name	Gary B. Nickol
Art Unit	1642
Attorney Docket No.	037003-0307368

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	033975
Deposit Account Name	PILLSBURY WINTHROP LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$ 770.00)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
9	-20** = 0	0	X			0	
1	-3** = 0	0	X			0	
Independent Claims							
Multiple Dependent							

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>(\$ 0.00)</b>

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0.00**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Thomas A. Cawley	Registration No. (Attorney/Agent)	40944	Telephone	(703) 905-2144
Signature		Date	December 24, 2003		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.